U.S. Department of Justice

United States Attorney
Southern District of Florida

Alexander Thor Pogozelski
Assistant United States Attorney
99 NE 4th Street, 4th Floor
Miami, Florida 33132

VIA EMAIL

July 18, 2025

Bruce A. Zimet, Esq.
1555 Palm Beach Lakes Blvd., Suite 1400
West Palm Beach, FL 33401
Counsel for Charles Boyd

William R. Barzee
40 NW Third Street Penthouse 1
Miami, FL 33128
Counsel for Patrick Boyd

Re: *United States v. Brosius et al.*, No. 1:24-CR-20255-WPD (S.D. Fla.)

Dear Counsel:

The United States hereby provides notice that it plans to call Christina Picard, Regulatory Counsel, Center for Drug Evaluation and Research Office of Compliance/Office of Drug Security, Integrity, and Response, U.S. Food and Drug Administration ("FDA"), as a witness at trial. Ms. Picard is a fact witness who interacted directly with Safe Chain Solutions and Defendant Charles Boyd during the alleged conspiracy period, and will testify to those interactions, including emails she exchanged with Safe Chain Solutions. Ms. Picard will also testify about the FDA Form 3911s Safe Chain Solutions filed with the FDA during the conspiracy period, as well as FDA Form 3911s filed by other entities related to Safe Chain Solutions. In addition, Ms. Picard will offer testimony about the Drug Supply Chain Security Act ("DSCSA"), and more generally about FDA Form 3911s, as relevant to this case. It is the Government's position that none of the testimony disclosed in this letter is expert opinion testimony because it arises from facts known to the witness, and the witness will not be offering testimony in the form of an opinion. *United States v. Stoune*, 694 F. App'x 688, 691 (11th Cir. 2017); *Tampa Bay Shipbuilding & Repair Co. v. Cedar Shipping Co.,* 320 F.3d 1213, 1223 (11th Cir. 2003). However, in an exercise of prudence and an abundance of caution, the Government is nonetheless providing this disclosure in the event it is deemed to contain expert testimony under Federal Rule of Criminal Procedure 16(a)(1)(G).

Besides her testimony concerning her interactions with Safe Chain Solutions, Ms. Picard may testify to the following topics related to the charged conspiracy period (April 2020 through August 2021):

1) Requirements imposed by the DSCSA and the FDA on wholesale distributors of prescription drugs, such as:

- The purpose of the DSCSA and FDA regulations was to help prevent harmful drugs from entering the United States' drug supply chain, detect harmful drugs if they do enter the supply chain, and enable rapid response to remove harmful drugs from the supply chain, all to protect patients;

- Identification by wholesale distributors of illegitimate and suspect products;

- Circumstances under which wholesale distributors of prescription drugs, such as Safe Chain Solutions, were required to quarantine and investigate suspect products;

- DSCSA records-keeping requirements for wholesale distributors of prescription drugs;

- Notification procedures (including filing FDA Form 3911s) and requirements for when wholesale distributors of prescription drugs, such as Safe Chain Solutions, were required to notify FDA of illegitimate products (as defined in 21 U.S.C. § 360eee(8)) in their possession or control, for reasons such as the product was: (a) counterfeit, diverted, or stolen; (b) intentionally adulterated such that the product would result in serious adverse health consequences or death to humans; (c) the subject of a fraudulent transaction; and (d) appears otherwise unfit for distribution such that the product would be reasonably likely to result in serious adverse health consequences or death to humans;

2) The FDA Form 3911s that were filed on behalf of Safe Chain Solutions (dated March 25, 2021; March 27, 2021 (original and follow-up form); March 31, 2021; and April 7, 2021) related to its purchase and distribution of prescription drugs; and

3) FDA Form 3911s that were filed by other entities that relate to Safe Chain Solutions or any of its suppliers of prescription drugs, primarily HIV medication.

The basis of Ms. Picard's testimony will be her training and experience working at the FDA since December 2008, including her role in FDA's Office of Drug Security, Integrity, and Response where she regularly reviewed and assessed FDA Form 3911s and reviewed and updated policies and procedures pertaining to FDA Form 3911s under the Drug Supply Chain Security Act, in an effort to minimize the public's exposure to diverted, misbranded, and adulterated drugs and worked to protect the integrity of the prescription drug supply chain in the United States. Ms. Picard has additional relevant training and experience, as reflected in her resume, which is attached to this letter.

Finally, Ms. Picard has not testified at trial or deposition in the last four years, nor has she authored any publications in the last 10 years.

Sincerely,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

/s/ Alexander Thor Pogozelski
Alexander Thor Pogozelski
Assistant United States Attorney

Seen and Approved:

CHRISTINA M. PICARD -S

Digitally signed by CHRISTINA M. PICARD -S
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Christina Picard, FDA